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First Named Inventor	Jyotirmoy Paul
Group Art Unit	2154
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ENCLOSURES ***(check all that apply)***

☐ Fee Transmittal Form	☐ Assignment Papers *(for an Application)*	☐ After Allowance Communication to Group
☐ Fee Attached	☐ Drawing(s)	☐ Appeal Communication to Board of Appeals and Interferences
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Remarks: **The fee for the Appeal Brief was paid on October 31, 2005 and it is requested that the fees previously paid for be applied to this Revised Appeal Brief.**

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Date	February 10, 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:	)	Confirmation No.: 2304
Jyotirmoy Paul, et al.	)	Examiner: Mohammad A. Siddiqi
Serial No.: 09/872,066	)	Group Art Unit No.: 2154
Filed on: May 31, 2001	)	
For: MAINTAINING STATE INFORMATION IN MOBILE APPLICATIONS	)	

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APPEAL BRIEF

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed on August 16, 2005.

I. REAL PARTY IN INTEREST

Oracle International Corporation is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

A Notice of Appeal has been filed in a related application, Serial No. 09/631,884, filed on August 4, 2000 (Attorney Docket No. 50277-0352), which includes similar subject matter and is assigned to the Real Party of Interest of this Appeal.

A Notice of Appeal has also been filed in a related application, Serial No. 09/872,566, filed on May 31, 2001 (Attorney Docket No. 50277-1607), which includes similar subject matter and is assigned to the Real Party of Interest of this Appeal.

A Notice of Appeal has also been filed in a related application, Serial No. 09/872,978, filed on May 31, 2001 (Attorney Docket No. 50277-1608), which includes similar subject matter and is assigned to the Real Party of Interest of this Appeal.

III. STATUS OF CLAIMS

Claims 56-63 are pending in this application, were finally rejected, and are the subject of this appeal. Claims 1-55 were canceled during prosecution.

IV. STATUS OF AMENDMENTS

No amendments were filed after the final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present application contains independent Claims 56 and 60. These independent claims recite similar limitations, except in the context of a method and machine-readable medium, respectively. Claims 56 and 60 are directed generally to an approach for providing a framework for a mobile device to request and receive a service from an application.

According to the approach recited in Claims 56 and 60, a mobile application server receives, from an application, registration data that specifies rules about how mobile devices are allowed to interact with the application (Specification at Page 16, line 19 – page 17, line 25; Page 12, lines 5-27; Page 20, line 1 – Page 21, line 25; FIG. 1A; FIG. 1B; FIG. 2A, see also Pages 9, Line 1- Page 79, line 3).

The mobile application server operates as an intermediary for interactions between a mobile device and the application (Specification at Page 12, lines 5-27; Page 14, line 17 – Page 17, line 25; Page 20, line 1 – Page 21, line 25; FIG. 1A; FIG. 1B; FIG. 2A, see also Pages 9, Line 1- Page 79, line 33).

While operating as the intermediary between the mobile device and the application, the mobile application server enforces the rules about how mobile devices are allowed to interact with the application (Specification at Page 12, lines 5-27; Page 14, line 17 – Page 17, line 25; Page 19, lines 11-24; Page 20, line 1 – Page 21, line 25; FIG. 1A; FIG. 1B; FIG. 2A, see also Pages 9, Line 1- Page 79, line 33). Thus, the application is relieved of the responsibility of enforcing the rules about how mobile devices are allowed to interact with the application. Advantageously, because the mobile application server operates as an intermediary for interactions between the mobile device and the application, the application does not need to be configured with knowledge of the capabilities of the mobile device, or how to communicate with the mobile device.

In one approach (such as the approach of dependent Claims 57 and 61), the mobile applications server may store device data that describes the characteristics of the mobile device (Specification at Page 12, lines 5-27; Page 14, line 17 – Page 17, line 25; Page 20, line 1 – Page 21, line 25; FIG. 1A; FIG. 1B; FIG. 2A, see also Pages 9, Line 1- Page 79, line 33).

In another approach (such as the approach of dependent Claims 58 and 62), response data received from the application may be transformed, based on the device data, to create transformed response data. The transformed response data is in a format readable by the mobile device (Specification at Page 12, lines 5-27; Page 14, line 17 – Page 17, line 25; Page 20, line 1 – Page 21, line 25; FIG. 1A; FIG. 1B; FIG. 2A, see also Pages 9, Line 1- Page 79, line 33).

In another approach (such as the approach of dependent Claims 59 and 63), the step of transforming the response data to create transformed response data may comprise (a) determining a portion of the response data that is capable of being simultaneously displayed on the mobile device based, at least in part, on the device data, (b) transforming the portion into a transformed portion that is in a format readable by the mobile device, and (c) transmitting the transformed portion to the mobile device without transmitting any remaining portion of the response data (Specification at Page 12, lines 5-27; Page 14, line 17 – Page 17, line 25; Page 20, line 1 – Page 21, line 25; FIG. 1A; FIG. 1B; FIG. 2A, see also Pages 9, Line 1- Page 79, line 33).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 56-63 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent 6,300,947 issued to Kanevsky et al. (hereinafter "*Kanevsky*").

VII. ARGUMENTS

A. The teachings of *Kanevsky*

Kanevsky teaches an approach for adapting the display of a web page, at a client, based on the presentation capabilities of the client. According to the approach of *Kanevsky*, a client sends a request message that requests a web page identified by a URL to a server machine (Col. 6, lines 4-20). Simultaneously with the request message, the client sends a display mode message, which identifies several characteristics or parameters of the client's display, to the server machine (Col. 6, lines 21-28). A web page server adapter 107 transforms the requested web page to adapt the requested web page with the characteristics of the client's display identified in the display mode message (Col. 7, lines 24-40). The transformed requested web

page is thereafter sent to the server 104, which sends the transformed requested web page onto the client machine 100 (Col. 7, lines 42-45).

B. Several fundamental differences between Claim 56 and *Kanevsky*

There are several fundamental differences between the features of Claim 56 and the teachings of *Kanevsky*. Rather than discussing a mobile device that receives service from an application, *Kanevsky* is directed towards transforming a requested web page, prior to transmittal to a client, in accordance with information, provided by the client, about the display capabilities of the client. Thus, no portion of *Kanevsky* teaches or suggests an application, which (a) interacts with a client, and (b) sends registration data to a mobile applications server. In fact, it is unclear what portion of *Kanevsky* the Office Action is asserting is analogous to an application. Presumably, *Kanevsky's* "application" is the software program that originally generates the web page that is later transformed. However, that software program does not send registration data to anyone. Further, there is no teaching in *Kanevsky* that is analogous to a mobile applications server enforcing the rules about how mobile devices are allowed to interact with an application.

C. Claim 56 and 60 are Patentable Over *Kanevsky*

In view of the fundamental differences between Claim 56 and *Kanevsky*, *Kanevsky* does not disclose, teach, or suggest numerous elements of Claim 56. Claim 56 recites a machine-implemented method for communicating with a mobile device that comprises:

> **receiving, at a mobile applications server, registration data from an application, wherein the registration data specifies rules about how mobile devices are allowed to interact with the application;**
> the mobile application server operating as an intermediary for interactions between the mobile device and the application; and

while operating as an intermediary, the mobile application server enforcing the rules about how mobile devices are allowed to interact with the application, wherein the application is relieved of the responsibility of enforcing the rules about how mobile devices are allowed to interact with the application. (emphasis added)

At least the above-bolded elements of Claim 56 are not disclosed, taught, or suggested by *Kanevsky*. For example, Claim 56 recites the element of "receiving, at a mobile applications server, registration data from an application, wherein the registration data specifies rules about how mobile devices are allowed to interact with the application." To show this element, the Office Action cites (a) the web page adaptor server 107 and (b) Col. 6, lines 20-27, which discusses a client sending a display mode message. The Office Action argues that receiving registration data is shown by the web page adapter server 107 receiving a requested web page from a web site. However, because a requested web page fails to meet the features of registration data as claimed, the Office Action simultaneously argues that registration data is shown by a display mode message sent by the client. This is a logical inconsistency, as the display mode message sent by the client and received by the server is separate and distinct from the requested web page obtained by the server from a web site.

Neither a requested web page nor the display mode message of *Kanevsky* satisfies the features of registration data as claimed. A requested web page does not specify rules about how mobile devices are allowed to interface with the application. Consequently, a requested web page cannot be analogous to registration data as claimed.

Similarly, a display mode message is not analogous to registration data as claimed because, rather than specifying rules about how mobile devices are allowed to interface with an application, a display mode message specifies characteristics or parameters of a client's display. Said differently, knowledge of the display capabilities of a client does not enable one to determine rules about **how mobile devices are allowed to interact with an application**. To

the extent that the display mode message contains any rules, the rules contains in the display mode message only indicate rules about **how other entities are to interact with the client**. In sharp contrast, registration data specifies rules about how mobile devices are allowed to interact with an application. As a result, the element of "receiving, at a mobile applications server, registration data from an application, wherein the registration data specifies rules about how mobile devices are allowed to interact with the application" is not disclosed, taught, or suggested by *Kanevsky*.

Further, Claim 56 recites the element of "while operating as an intermediary, the mobile application server enforcing the rules about how mobile devices are allowed to interact with the application, wherein the application is relieved of the responsibility of enforcing the rules about how mobile devices are allowed to interact with the application." The Office Action argues that the web adapter server 107 satisfies this element by transforming the requested web page to adapt the requested web page with the characteristics of the client's display identified in the display mode message. The position of the Office Action is that the web adapter server 107 is analogous to the mobile application server acting as an intermediary. Thus, to satisfy the features of Claim 56, the web adapter server 107 should "enforce the rules about how mobile devices are allowed to interact with the application" where the rules are specified in registration data sent by the application.

Rather than showing the claimed features of the mobile applications server, the web adapter server 107 transforms a web page, requested by the client, according to information, received from the client, about the display capabilities of the client. As a result, **the web adapter server 107 does not enforce any rules, supplied by an application, about how a mobile device is allowed to interact with the application**. Indeed, the web adapter server 107 cannot enforce any rules as claimed because the web adapter server 107 does not receive any

data, from any entity, that specifies rules about how mobile devices are allowed to interact with that entity. Instead, the argument of the Office Action relies upon an interpretation wherein the application and the mobile device are the same entity. However, it is clear from Claim 56 that the application is separate and distinct from the mobile device, otherwise the mobile application server could not operate as an intermediary for interactions between the mobile device and the application.

Consequently, the element of "while operating as an intermediary, the mobile application server enforcing the rules about how mobile devices are allowed to interact with the application, wherein the application is relieved of the responsibility of enforcing the rules about how mobile devices are allowed to interact with the application" cannot be disclosed, taught, or suggested by *Kanevsky*.

In view of the above fundamental differences between the features of Claim 56 and *Kanevsky*, it is respectfully submitted that Claim 56 recites at least one element that is not disclosed, taught, or suggested by the cited art. Consequently, it is respectfully submitted that Claim 56 is patentable over the cited art and is in condition for allowance.

Claim 60 recites elements similar to that of Claim 56, except that Claim 60 is recited in machine-readable medium format. Consequently, for at least the reasons given above with respect to Claim 56, it is respectfully submitted that Claim 60 is patentable over the cited art and is in condition for allowance.

D. Claims 57-59 and 61-63

Claims 57-59 and 61-63 are dependent claims, each of which depends (directly or indirectly) on one of the claims discussed above. Each of Claims 57-59 and 61-63 is therefore allowable for the reasons given above for the claim on which it depends. In addition, each of

Claims 57-59 and 61-63 introduces one or more additional limitations that independently render it patentable.

For example, Claims 57 and 61 each recite, "storing, at the mobile applications server, device data that describes the characteristics of the mobile device." However, as explained above, no portion of *Kanevsky* teaches or suggests anything analogous to a mobile applications server as claimed. For example, the web adapter server 107 of *Kanevsky* fails to disclose, teach, or suggest several claimed features of a mobile application server. Thus, the additional features of Claims 57 and 61 cannot be disclosed, taught, or suggested by *Kanevsky.*

As another example, Claims 58 and 62 each recite, "transforming, based on the device data, response data received from the application to create transformed response data, wherein the transformed response data is in a format readable by the mobile device; and transmitting the transformed response data to the mobile device." However, as explained above, *Kanevsky* fails to disclose, teach, or suggest device data as claimed. Further, it is unclear which portion of *Kanevsky* the Office Action is asserting is analogous to an application as claimed. As a result, the additional features of Claims 58 and 62 cannot be disclosed, taught, or suggested by *Kanevsky.*

As another example, Claims 59 and 63 each recite:

> wherein the step of transforming the response data to create transformed response data comprises the steps of:
> determining a portion of the response data that is capable of being simultaneously displayed on the mobile device based, at least in part, on the device data;
> transforming the portion into a transformed portion, wherein the transformed portion is in a format readable by the mobile device; and
> transmitting the transformed portion to the mobile device without transmitting any remaining portion of the response data

However, as explained above, *Kanevsky* fails to disclose, teach, or suggest device data as claimed. Further, it is unclear which portion of *Kanevsky* the Office Action is asserting is analogous to an application as claimed; as a result, *Kanevsky* fails to disclose, teach, or suggest response data as claimed. For example, the portion of *Kanevsky* cited to show response data merely discusses a display mode request message; however, a display mode request message cannot qualify as response data as claimed because the display mode request message of *Kanevsky* originates at the client, rather than at an application as claimed. Thus, the additional features of Claims 59 and 63 cannot be disclosed, taught, or suggested by *Kanevsky*.

CONCLUSION AND PRAYER FOR RELIEF

Based on the foregoing, it is respectfully submitted that the rejection of Claims 56-63 under 35 U.S.C. § 102(e) being unpatentable over *Kanevsky* lacks the requisite factual and legal bases. Appellants therefore respectfully request that the Honorable Board reverse the rejection of Claims 56-63 under 35 U.S.C. § 102(e) over *Kanevsky*.

Respectfully submitted,
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on February 10, 2006 by Angelica Maloney

VIII. CLAIMS APPENDIX

1-55. (Cancelled).

56. A machine-implemented method for communicating with a mobile device, comprising the steps of:

receiving, at a mobile applications server, registration data from an application, wherein the registration data specifies rules about how mobile devices are allowed to interact with the application;

the mobile application server operating as an intermediary for interactions between the mobile device and the application; and

while operating as an intermediary, the mobile application server enforcing the rules about how mobile devices are allowed to interact with the application, wherein the application is relieved of the responsibility of enforcing the rules about how mobile devices are allowed to interact with the application.

57. The method of Claim 56, further comprising the step of:

storing, at the mobile applications server, device data that describes the characteristics of the mobile device.

58. The method of Claim 57, further comprising the steps of:

transforming, based on the device data, response data received from the application to create transformed response data, wherein the transformed response data is in a format readable by the mobile device; and

transmitting the transformed response data to the mobile device.

59. The method of Claim 57, wherein the step of transforming the response data to create transformed response data comprises the steps of:

determining a portion of the response data that is capable of being simultaneously displayed on the mobile device based, at least in part, on the device data;

transforming the portion into a transformed portion, wherein the transformed portion is in a format readable by the mobile device; and

transmitting the transformed portion to the mobile device without transmitting any remaining portion of the response data.

60. A machine-readable medium carrying one or more sequences of instructions for communicating with a mobile device, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

receiving, at a mobile applications server, registration data from an application, wherein the registration data specifies rules about how mobile devices are allowed to interact with the application;

the mobile application server operating as an intermediary for interactions between the mobile device and the application; and

while operating as an intermediary, the mobile application server enforcing the rules about how mobile devices are allowed to interact with the application, wherein the application is relieved of the responsibility of enforcing the rules about how mobile devices are allowed to interact with the application.

61. The machine-readable medium of Claim 60, wherein execution of the one or more sequences of instructions by the one or more processors causes the one or more processors to perform the steps of:

storing, at the mobile applications server, device data that describes the characteristics of the mobile device.

62. The machine-readable medium of Claim 61, wherein execution of the one or more sequences of instructions by the one or more processors causes the one or more processors to perform the steps of:

transforming, based on the device data, response data received from the application to create transformed response data, wherein the transformed response data is in a format readable by the mobile device; and

transmitting the transformed response data to the mobile device.

63. The machine-readable medium of Claim 61, wherein the step of transforming the response data to create transformed response data comprises the steps of:

determining a portion of the response data that is capable of being simultaneously displayed on the mobile device based, at least in part, on the device data;

transforming the portion into a transformed portion, wherein the transformed portion is in a format readable by the mobile device; and

transmitting the transformed portion to the mobile device without transmitting any remaining portion of the response data.

IX. EVIDENCE APPENDIX PAGE

None.

X. RELATED PROCEEDINGS APPENDIX PAGE

None.